

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8662 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMANBHAI KHENGARBHAI SOLANKI

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

Mr Umesh Trivedi, APP for the respondents

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 25/11/96

ORAL JUDGEMENT

I have heard the learned Advocate for the petitioner and the learned APP. It appears that six cases have been registered against the detenue for offence under the Bombay Prohibition Act. A complaint has also been registered against the detenue under section 93 of the said Act. The detaining authority has relied on statements of four witnesses wherein privilege under section 9(2) of the said Act has been claimed.

Statements of the witnesses are of general in nature. There is nothing to suggest that the activities of the petitioner is prejudicial to the maintenance of public order. In view of this, the order of detention being illegal cannot be sustained.

2. In the result, this Special Civil Application is allowed. The order of detention dated 10.7.1996 is quashed and set aside. The detenu is directed to be released forthwith if not required in any other case. Rule made absolute accordingly.

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